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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/502,280	05/11/2005	Andreas Myka	617-011873-us	3300								
2512 PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824	7590 12/16/2008		<div>EXAMINER</div> <div>LIN, WEN'TAI</div> <table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>2454</td><td></td></tr></tbody></table> <table border="1"><thead><tr><th>MAIL DATE</th><th>DELIVERY MODE</th></tr></thead><tbody><tr><td>12/16/2008</td><td>PAPER</td></tr></tbody></table>		ART UNIT	PAPER NUMBER	2454		MAIL DATE	DELIVERY MODE	12/16/2008	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/502,280

**Applicant(s)**

MYKA ET AL.

**Examiner**

Wen-Tai Lin

**Art Unit**

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-21 and 24-36 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-36 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

***Claim Rejections - 35 USC § 103***

3. Claims 1-9, 12-21 and 24-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durrett [U.S. Pat. No. 5964830] in view of Official Notice.
4. Durrett was cited in the previous office action.
5. As to claim 1, Durrett teaches the invention substantially as claimed including:  
a system comprising: a plurality of terminals, each being provided with an application [e.g., col.7, lines 5-14 and 35-43] for using personal content and a transmitter and receiver for communication with a telecommunications system, said personal content including at least one of photographs, text, video, speech, calendar information, and location information [note that as a virtual disk subscriber, the user can store any personal objects as described].

Durrett is silent about making use of a memory in the terminal for storing at least a first part of the personal content to be used and associating the first part of the personal content with a second part of the personal content to cause a service provider to generate or provide a personalized service incorporating a combination of the first part of the personal content and the second part of the personal content.

However, Durrett teaches that certain software objects may functioning as a browser (see col.7, lines 35-43). However, as a subscriber of a virtual storage space it is well known that the subscribers/users can certainly make use of the functionality of a bookmark to record the paths of files (or URLs).

It would have been obvious to an ordinary skill in the art that Durrett's users may make use of the browser functionality to store frequently accessed objects in the browser's bookmark because it speeds up access of the targeted objects. In a similar environment, for example, AOL members may create web pages (such as personal albums) in their allocated virtual spaces and upload the web pages to the remote storage spaces, wherein the file name in the bookmarked URL is a first part of the personal content and the associated web page or photos are the second part of the personal content. Through the browser (which provides association functionality), the webpage provided to the user incorporates the combined first part and second part personal content.

Further, Durrett does not specifically teach that the portable device is a mobile terminal which uses wireless communication.

However, Official Notice is taken that portable device equipped with wireless communication capability is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to also provide the portable device with such capability because wireless communication would enhance the device's portability/mobility and Durrett does not preclude the use of more sophisticated portal devices [col.3, lines 4-14].

6. As to claim 2, Durrett teaches that the system further comprising:

A selection block for selecting data to be retrieved from an external data storage, the selection being made at least partially on the basis of said extracted data [i.e., selection using the bookmark function of a browser];

a receiver for receiving said selected data;

and an association block adapted to associate said received data with the personal content stored in the data repository, wherein the service provision means are adapted to utilize said received data for generating and/or providing said personal service [i.e., the browser itself is an association block].

7. As to claim 3, Durrett teaches that the system further comprising:

communication means adapted to retrieve at least one stored object and/or item of data extracted from the remote data repository;

and a server including application software adapted to perform an action as a result of which information is generated, the action to utilize the retrieved object and/or said data extracted [col.2 lines 50-54; Figs. 6A-6C].

8. As to claim 4, Durrett teaches that the system further comprising means for storing said extracted information in said remote data repository [note: inherently the remote server is able to pick up the URL and extract the targeted file name from the provided file path].

9. As to claim 5, Durrett does not specifically teach that the system further comprising means for generating charging information on the basis of the action performed.

However, Official Notice is taken that charging-by-hours is one of the popular billing method for ISP providers. Although Durrett does not teach how its virtual disk subscribers are charged. It is an obvious option to one of the ordinary skill in the art to implement such a billing method. That is, by generating charging information on the basis of the action performed because it offers incentive to infrequent users to take this billing option.

10. As to claims 6-7, Durrett teaches that the system further comprising:

a subscription management block for receiving a subscription request at a server and processing said request on said server, and

a data retrieval and selection block responsive to said processing to allow access of the application software to an object and/or stored information in the remote data repository [Abstract; col. 1, lines 40-65; col.5, lines 45-51 and col.8, lines 4-19; note these features are inherent to Durrett's provision server because it has to process a new user's request for virtual disk space and upon successful authentication and receiving an encryption key the server must make some personal content available to the user].

11. As to claim 8, Durrett further teaches that the service requested is identified in the request [col.2, lines 44-49].

12. As to claim 9, Durrett further teaches that an object and/or extracted information is identified in the request, the object and/or extracted information defining the action to be performed by the server [Abstract; note that in the download service, a user needs to identify the requested object to be downloaded via the server].

13. As to claim 12, Durrett further teaches that said means for extracting data from said personal content include at least means to perform i) optical character/text recognition or ii) pattern recognition [note that the key matching process is a pattern recognition process based on the scanned fingerprint [col.5 lines 45-51 and col. 2, lines 50-54].

14. As to claims 13-21, 24-26, 29-30 and 33-34 since the features of these claims can also be found in claims 1-9 and 12, they are rejected for the same reasons set forth in the rejection of claims 1-9 and 12 above.

15. As to claims 27, 31 and 35, Durrett further teaches that the OCO software of each portal device is activated by a boot-up program [e.g., Fig. 6A and col. 7, lines 1-14]. Although Durrett is silent about activating the server-side service provision block, it is obvious to an ordinary skill in the art to use a service daemon to start the service provision block because it automates the

startup of a service process, thereby releasing Durrett's provision server from the tedious startup procedures.

16. As to claims 28, 32 and 36, Durrett is silent about posing definition information on requirement and different options for service requests. However it is well known that in order for a web server to understand each client's requests the request itself must be serviceable and understandable by the server. Thus, it is obvious to one of ordinary skill in the art to pose definition information on requirement and different options for service requests in Durrett's system because Durrett's users need to know the way to construct a request message that falls within the range of the server's promised services.

17. Claims 10-11 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Applicant's arguments filed on 11/11/2008 for claims 1-9, 12-21 and 24 have been fully considered but moot in view of the new ground (i.e., new reasoning) of rejections.

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the



individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquiries draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

December 7, 2008

/Wen-Tai Lin/

Application/Control Number: 10/502,280

Page 9

Art Unit: 2454

Primary Examiner, Art Unit 2454